

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JONATHAN E. LINDHOLM,

Plaintiff,

v.

DARIEN P. HELMLINGER, Commander,
Northwestern Division, US Army Corps of
Engineers, and **RYAN D. MCCARTHY**,
Secretary of the Army

Defendants.

Case No. 3:19-cv-02083-YY

ORDER

IMMERGUT, District Judge.

On July 31, 2020, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (F&R), ECF 9. The F&R recommends that this Court dismiss Plaintiff Jonathan E. Lindholm’s claims without prejudice for failure to serve Defendants, Darien P. Helmlinger and Ryan D. McCarthy, pursuant to Fed. R. Civ. P. 4(m). No party filed objections.

DISCUSSION

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s F&R, “the court shall

make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte,” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge You’s conclusions. The F&R, ECF 9, is adopted in full. Plaintiff’s claims are DISMISSED without prejudice for failure to obtain service. *See* Fed. R. Civ. P. 4(e), (m) (describing proper methods for service of process on an individual and requiring service within ninety days after the complaint is filed); *In re Sheehan*, 253 F.3d 507, 511–13 (9th Cir. 2001) (explaining the good cause standard and the district court’s broad discretion to extend the time for service or dismiss without prejudice).

IT IS SO ORDERED.

DATED this 24th day of August 2020.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge